

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

GORDON D. SONDLAND,)	
)	
)	
Plaintiff,)	
)	No. 21-2083C
v.)	(Judge Sweeney)
)	
UNITED STATES,)	
)	
Defendant.)	

DEFENDANT’S UNOPPOSED MOTION TO EXTEND DISCOVERY DEADLINE

Defendant, the United States, respectfully requests that the Court extend the document production deadline for one category of documents requested by plaintiff – those under control of the White House – by 60 days, until June 5, 2023. The current deadline for production of the documents is April 6, 2023, pursuant to the Court’s February 1, 2023 order (ECF No. 43). This is our fourth request for an extension of a discovery deadline. We have discussed the matter with Ambassador Sondland’s counsel, who has informed us that Ambassador Sondland does not oppose this motion.

This motion pertains solely to plaintiff’s request that we produce documents related to allegations concerning the actions of certain White House personnel. The custodian of these documents is the National Archives and Records Administration (NARA), and the documents are subject to the Presidential Records Act (PRA), 44 U.S.C. §§ 2201-2209. Accordingly, the Department of Justice does not have direct access to the documents and may only obtain them from NARA through the enumerated PRA procedures. For example, under section 2205(2)(B), President Trump has a right review the documents prior to their release to the current White House and named counsel. Executive Order 13489 establishes a 30-calendar day review period for this review.

On April 5, 2023, Government counsel learned that NARA has completed its search and identified potentially-relevant documents. Counsel understands that NARA next intends to notify President Trump under section 2205(2)(B). Although we cannot predict with any certainty how long either this or the subsequent United States review might require, we request a 60-day extension to obtain, review, and produce any responsive documents.

For the foregoing reasons, we request that the Court grant this motion to enlarge the document production deadline for responding to plaintiff's request for documents from the White House, from April 6, 2023 to June 5, 2023.

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

PATRICIA M. McCARTHY
Director

s/Steven J. Gillingham
STEVEN J. GILLINGHAM
Assistant Director

s/William J. Grimaldi
WILLIAM J. GRIMALDI
Assistant Director
GEOFFREY M. LONG
Senior Trial Counsel
JOSHUA W. MOORE
KELLY GEDDES
Trial Attorneys
Commercial Litigation Branch
Civil Division, Department of Justice
P.O. Box 480
Ben Franklin Station
Washington, D.C. 20044
Telephone: (202) 616-0471
E-mail: william.j.grimaldi@usdoj.gov

Attorneys for Defendant

OF COUNSEL:

ISAAC D. WEBB
Attorney-Adviser
Office of the Legal Adviser
U.S. Department of State

MICHAEL ZUBROW
Attorney-Adviser
Office of the Legal Adviser
U.S. Department of State

Dated: April 6, 2023